

RECEIVED  
CENTRAL FAX CENTER  
OCT 23 2006

002/005

Docket No. END0887USCIP1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kevin Doll et al. Customer No.: 00027777  
Serial No. : 10/687,503 Art Unit: Not 3721  
Filed : October 15, 2003 Examiner: Gloria Weeks  
For : SURGICAL STAPLING INSTRUMENT HAVING A SINGLE  
LOCKOUT MECHANISM FOR PREVENTION OF FIRING

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on July 18, 2006. USPTO facsimile telephone number 571-273-9900

Kimberly M. Moses

Name of person signing the Certificate

(Signature)

October 23, 2006

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national

OCT 23 2006

application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or  
☐ Please charge Deposit Account No. 10-0750/ / the fee of  
\$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or  
☐ Please charge Deposit Account No. 10-0750/ / the fee of  
\$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of each of the non-US references are listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- ☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).
- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END0887USCIP1/DLG.

Respectfully submitted,

/Dean L. Garner/  
Dean L. Garner, Esq.  
Reg. No. 35,877  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(513) 337-8559  
DATED: October 23, 2006

PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.													
Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 1	<table border="1"> <tr> <td><b>Application Number</b></td> <td>10/687,503</td> </tr> <tr> <td><b>Filing Date</b></td> <td>10/15/2003</td> </tr> <tr> <td><b>First Named Inventor</b></td> <td>Thomas W. Huitema</td> </tr> <tr> <td><b>Group Art Unit</b></td> <td>3734</td> </tr> <tr> <td><b>Examiner Name</b></td> <td>Kevin Doli et al.</td> </tr> <tr> <td><b>Attorney Docket Number</b></td> <td>END0887USCIP1</td> </tr> </table>	<b>Application Number</b>	10/687,503	<b>Filing Date</b>	10/15/2003	<b>First Named Inventor</b>	Thomas W. Huitema	<b>Group Art Unit</b>	3734	<b>Examiner Name</b>	Kevin Doli et al.	<b>Attorney Docket Number</b>	END0887USCIP1
<b>Application Number</b>	10/687,503												
<b>Filing Date</b>	10/15/2003												
<b>First Named Inventor</b>	Thomas W. Huitema												
<b>Group Art Unit</b>	3734												
<b>Examiner Name</b>	Kevin Doli et al.												
<b>Attorney Docket Number</b>	END0887USCIP1												

[illegible][illegible]

Examiner Signature	Date Considered
-----------------------	--------------------

1 Unique citation designation number, 2 See attached Kinds of U.S. Patent Documents, 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3), 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document, 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, 6 Applicant is to place a check mark here if English language Translation is attached.

PAGE 5/5 \* RCVD AT 10/23/2006 2:50:44 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/13 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):01:50